

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABHAY BHOPAT,

Plaintiff

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

Defendant.

No. 2:24-cv-01174-JHC

STIPULATED MOTION FOR LEAVE TO
FILE DOCUMENT UNDER SEAL AND
ORDER

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the administrative record in this action – the defendant insurance company’s claim file – be filed under seal, without redactions.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq. The Court will need to consider Defendant’s claim file to resolve the matter. That file is primarily medical records and other documents addressing Plaintiff’s medical condition.

STIPULATED MOTION FOR LEAVE TO FILE
DOCUMENT UNDER SEAL AND ORDER - Page 1
No. 2:24-cv-01174-JHC

1 A party seeking to seal a document attached to a dispositive motion must provide
2 compelling reasons “that outweigh the general history of access and the public policies
3 favoring disclosure[.]” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th
4 Cir. 2006). The need to protect medical privacy qualifies as such a “compelling reason.”
5 *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-01569-RSM, 2013 WL 5588312 at
6 *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana*). See also, e.g., *S.L. by & through J.L. v.*
7 *Cross*, 675 F. Supp. 3d 1138, 1146-47 (W.D. Wash. 2023) (granting motion to file ERISA
8 record under seal because it contained sensitive personal health information); *Cont'l Med.*
9 *Transp. LLC v. Health Care Serv. Corp.*, No. C20-0115-JCC, 2021 WL 2072524, at *4 (W.D.
10 Wash. May 24, 2021), aff'd, No. 21-35481, 2022 WL 2045385 (9th Cir. June 7, 2022) (same);
11 *Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or.
12 Apr. 17, 2018) (“[t]he parties have not presented, and the Court is not aware of, any cases
13 where medical information was not allowed to be filed under seal under the ‘compelling
14 reasons’ standard.”).

15
16
17 Local Civil Rule 5.2(c) states that “in an action for benefits under the Social Security
18 Act” the “administrative record must be filed under seal” because those “actions are entitled to
19 special treatment due to the prevalence of sensitive information and the volume of filings.” *Id.*
20 That reasoning applies to this action. Sensitive information is found throughout the claim file.

21
22 As certified below, the parties discussed whether redaction would be a suitable
23 alternative. Due to the extensive redaction that would be necessary, the parties believe
24 redaction is not a reasonable alternative. Federal Rule of Civil Procedure 5.2(d) states that a
25 “court may order that a filing be made under seal without redaction” and the parties
26 respectfully move the Court to so order here.
27

III. Local Rule 5 (g)(3)(A) Certification

The parties certify pursuant to Local Rule 5(g)(3)(A) that the undersigned attorneys conferred on December 19, 2024, and agreed redaction was not a reasonable means to protect Plaintiff's medical privacy as the documents would need to be so extensively redacted.

IV. Conclusion

The parties respectfully move the Court to order that the administrative record in this action be filed under seal, without redaction.

RESPECTFULLY SUBMITTED this 13th day of January 2025.

LAW OFFICE OF MEL CRAWFORD

By: s/Mel Crawford
Mel Crawford, WSBA # 22930
Attorney for Plaintiff

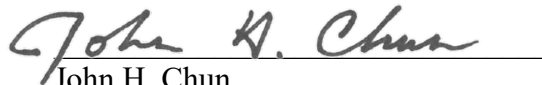
SEYFARTH SHAW LLP

By: s/Lauren Watts
Lauren Watts, WSBA# 44064
Attorneys for Defendant

ORDER

The Court GRANTS the parties' stipulated motion and ORDERS that the administrative record in this action be filed and maintained under seal. Pursuant to Federal Rule of Civil Procedure 5.2(d), the record need not be redacted.

DATED this 13th day of January 2025.


John H. Chun
United States District Judge